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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,984	03/15/2004	Rick Sonnenberg	SONR101	2491
21658	7590	12/06/2005	EXAMINER	
DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 BOISE, ID 83701-0877			PRINCE, FRED G	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,984

Applicant(s)

SONNENBERG, RICK

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-10 in the reply filed on October 20, 2005 is acknowledged. Accordingly, claims 11-14 are withdrawn from further consideration as being drawn to non-elected inventions.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pre-filter", "coiled passageway", "filter medium", and "exit tube", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "pre-filter 22", "coiled passageway 24", "filter material 26", "exit tube 64", "open end 66", and "mesh screen 64" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "64" has been used to designate both "exit tube" and "mesh screen". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Porter (US Pat No 6,461,501).

Porter teaches a preformed pond liner (195) configured to provide a self-contained pond having a preselected volumetric capacity, a plenum (100) configured to fit within said preformed liner, said plenum configured to provide a reservoir of

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pressurized water, an underwater filter (130) adapted to fit within said plenum, said underwater filter inherently containing a filter material, said underwater filter configured to transmit water to said pond (via openings in the filter), a pump (140) configured to circulating water through said plenum, said pond and through a filter (Figure 1; 105, 110, 180, 185).

***Claim Rejections - 35 USC § 103***

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter in view of Hemauer et al. (US Pat No 6,041,738).

Porter is described above. Porter does not disclose shredded plastic in the filter.

In any case, Hemauer et al. teaches the well known concept of providing shredded plastic (col. 10, lines 32-44) in a filter in order to, for example, provide a suitable surface for bacteria to enhance water treatment.

It would have been readily obvious for the skilled artisan to modify the filter of Porter such that it includes shredded plastic in a filter in order to, for example, provide a suitable surface for bacteria to enhance water treatment, as suggested by Hemauer et al.

8. Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter.

Per claims 2 and 3, Porter does not disclose utilizing a canister filter having a pre-filter. It is submitted that it is well known in the art to use a canister filter having a pre-filter in order to, for example, remove multiple contaminants from a liquid (see, for

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example, US 2003/0038073). Further, it is noted that the record does not provide a proper showing, i.e., by comparative test data, of any new and unexpected result derived from utilizing the recited canister filter. Accordingly, a system having the recited filter is not patentable over the prior art.

Per claims 4-5, Porter does not disclose supplying a canister filter with a coiled passageway extending from an outer surface of the canister to an exit tube and filled with a filter medium. It is submitted that the supplying the canister filter with the recited passageway and exit tube, wherein the passageway is filled with a filter medium is a matter of design choice. Further, it is noted that the record does not provide a proper showing, i.e., by comparative test data, of any new and unexpected result derived from utilizing the recited canister filter. Accordingly, a system having the recited filter is not patentable over the prior art.

Per claims 7 and 8, Porter does not disclose an artificial rock at the rim of the pond and utilizing a pump having the recited flow capacity. It is submitted that connecting an artificial rock to the rim of the pond and utilizing a pump having the recited flow capacity are matters of design choice, not patentable over the prior art. Further, , it is noted that the record does not provide a proper showing, i.e., by comparative test data, of any new and unexpected result derived from utilizing the recited artificial rock and pump flow capacity. Accordingly, a system having the recited artificial rock and pump flow capacity is not patentable over the prior art.

Per claim 9, Porter does not disclose a venturi configured to aerate water. It is submitted that it is well within the purview of the skilled artisan to utilize a venturi to

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aerate water in order to, for example, enhance biological purification of the water (see, for example, US Pat No 6,712,960 to Freeman).

Per claim 10, Porter does not disclose a plurality of fiber optic lights connected to the pond. It is submitted that it is well within the purview of the skilled artisan to utilize fiber optic lights in order to, for example, illuminate the water for aesthetic purposes (see, for example, US 2004/0047145 to Koren).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Fred Prince  
Primary Examiner  
Art Unit 1724

fgp  
11/30/05